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VIA ECF

The Honorable J. Paul Oetken
United States District Judge
United States District Court for the Southern District of New York
40 Foley Square
Room 2101
New York, NY 10007

Re: Menaldi, et al. v. Och-Ziff Capital Mgmt. Grp. LLC et al., No. 14-CV-3251 (JPO)

Dear Judge Oetken:

We represent Defendants Och-Ziff Capital Management Group LLC, Daniel S. Och, and Joel M. Frank (collectively, the “Remaining Defendants”) in the above-captioned action. Earlier today, the Court entered an order granting Plaintiffs’ motion for class certification based on the “absence of opposition from Defendants.” ECF 65 at 3. As reflected in the attached Civil Case Management Plan and Scheduling Order entered by the Court on May 11, 2016, the Remaining Defendants’ opposition to the class certification motion is not due until “60 days after Lead Plaintiffs file their motion for class certification,” ECF 57 ¶ 6(b) (emphasis added), or October 11, 2016, *see* Fed. R. Civ. P. 6(a)(1). The parties are currently engaged in class certification discovery, and the Remaining Defendants intend to file their opposition on or before October 11. Because the Remaining Defendants’ opposition to the motion for class certification is not due until October 11, 2016, and because the Remaining Defendants intend to file opposition papers, the Remaining Defendants respectfully request that the Court’s order today “deem[ing] [the motion] to be unopposed” (ECF 65 at 1) and granting Plaintiffs’ motion based on the “absence of the opposition from Defendants” (*id.* at 3) be vacated.

Respectfully,

/s/ Robert F. Serio

Robert F. Serio

RFS/rfs
Attachment